

**HFS 45.03 Definitions.** In this chapter:

(1) “Care” means providing for the safety and the developmental needs of a child in a family child care center.

(2) “Caregiver background check” means the retrieval of information about an individual’s past criminal conduct pursuant to s. 48.685, Stats., and ch. HFS 12 that may bear on the suitability of that individual to assume a child caregiving role or have regular contact with children at the center.

*See Appendix T, PFS-3064 Requirements for Caregiver Background Checks for Child Care Centers, for additional information.*

(3) “Center-provided transportation” means transportation in a vehicle owned by or contracted for the center or a vehicle owned by the licensee or an employee that is used to transport children, but does not include a vehicle owned and driven by a parent or volunteer.

(4) "Complaint" means an allegation of violation of this chapter or ch. 48, Stats.

(5) "Department" means the Wisconsin department of health and family services.

(6) "Emergency" means situations such: as fire, tornado, flood, extreme outdoor heat or cold, loss of building service including, no heat, water, electricity or telephone, threats to the building or its occupants, lost or missing children or a provider family situation such as a medical emergency, illness or other circumstance requiring immediate attention.

(7) “Emergency back-up provider” means a designated adult available within 5 minutes of the premises who can provide assistance in the event an emergency occurs that requires a provider to leave the premises occasionally for a short period of time.

(8) “Employee” means any adult who is compensated to provide care and supervision of children enrolled in a family child care center, including a helper or assistant to a child care provider.

(9) "Family child care center" or "center" means a facility where a person provides care and supervision for less than 24 hours a day for at least 4 and not more than 8 children who are not related to the provider.

*Centers may be licensed for 24-hour care with one provider providing care for 12 hours or less in a 24-hour period [see 45.04(2)(c)]. Children may not be in care for 24 hours [see 45.04(2)(d)].*

(10) "Field trip" means any experience a child has away from the premises of the center while in the care of center staff.

*Field trip includes walking excursions.*

(11) “Fit and qualified” means displaying the capacity to successfully nurture and care for children and shall not include any of the following:

(a) Abuse of alcohol or drugs.

(b) A history of a civil or criminal conviction or administrative rule violation that substantially relates to caring for children, as described in ch. HFS 12.

(c) Exercise of unsound judgment.

**45.03(12)**

**(12)** “Foster care” means care and maintenance provided to a child in a foster home pursuant to a court order or voluntary placement agreement.

**(13)** “Foster home” means any facility that is operated by a person required to be licensed under s. 48.62(1)(a), Stats., and that provides care and maintenance for no more than 4 foster children, or, if necessary to keep siblings together, for no more than 6 foster children.

**(14)** "HealthCheck provider" means a provider of health assessment and evaluation services eligible to be certified under s. HFS 105.37(1)(a).

*HFS 105.37 Certification of early and periodic screening, diagnosis and treatment (EPSDT) providers. (1) EPSDT Health Assessment and Evaluation Services. (a) Eligible providers. The following providers are eligible for certification as providers of EPSDT health assessment and evaluation services:*

- *Physicians*
- *Outpatient hospital facilities*
- *Health maintenance organizations*
- *Visiting nurse associations*
- *Clinics operated under a physician's supervision*
- *Local public health agencies*
- *Home health agencies*
- *Rural health clinics*
- *Indian health agencies*
- *Neighborhood health centers*
- *Doctor of osteopathy, M.D., D.O., P.A.*

*The professional identification of the person signing the form should be clearly stated on the form, i.e. M.D., R.N., P.A., etc.*

*The professional affiliation should also be stated if other than an M.D. or P.A. working under the supervision of an M.D.*

**(15)** “Inclement weather” means stormy or severe weather such as any of the following:

- (a) Heavy rain.
- (b) Temperatures above 90° F.
- (c) Wind chills of 0° F. or below for children age 2 and above.
- (d) Wind chills of 20° F. for children under age 2.

**(16)** "Infant" means a child under one year of age.

**(17)** "In care" means enrolled in the center, with the center providing supervision, either on or off the premises, for the safety and the developmental needs of the child or children.

**(18)** "Licensee" means the individual, corporation, partnership or non-incorporated association or cooperative that has legal and financial responsibility for the operation of a center and for meeting the requirements of this chapter.

**(19)** “Licensing representative” means a department employee responsible for licensing family child care centers.

**45.03(20)**

(20) "Mildly ill" means a child who has a common, temporary illness that is non-progressive in nature and is not listed on the communicable disease chart in appendix A of ch. HFS 145.

(21) "Night care" means any care that is offered by a licensed family child care center between 9:00 PM and 5:00 AM.

(22) "Parent" means either "parent" as defined in s. 48.02(13), Stats., or "guardian" as defined in s. 48.02(8), Stats.

(23) "Physical restraint" means the use of physical force to restrict the free movement of all or a portion of a child's body.

*Physical restraint does not include:*

- Briefly holding a child in order to calm or comfort the child.
- Holding a child's hand or arm to escort the child from one area to another.
- Moving a disruptive child who is putting him/herself/others in danger and is unwilling to leave the area when other methods such as talking to the child have been unsuccessful.
- Intervening or breaking up a fight.

*If a child has an outburst that puts him/herself or another person in danger of harm, the center has the responsibility to protect the child and others from danger. Once a child has an outburst, we recommend that the center work with the parents to develop a plan to help manage the child's behavior in a way that does not include the use of a physical restraint. The center may want to refer the child to a pediatrician, Birth-to-3, the public school or a mental health professional for an evaluation.*

(24) "Physician" has the meaning given in s. 448.01(5), Stats.

*Physician means an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degree as determined by the licensing board and holding a license granted by the board. A chiropractor or physician assistant does not meet the definition of a physician.*

(25) "Physician assistant" has the meaning given in s. 448.01(6), Stats.

*An individual certified by "medical examination."*

(26) "Premises" means the tract of land on which the center is located, including all buildings and structures on that land.

(27) "Provider" means an adult in a family child care center who provides care and supervision of the children in the care of the center.

(28) "Provider's own children" means a provider's natural or adopted children, foster children or stepchildren.

(29) "Representative of the department" means a department employee or a representative from an agency the department contracts with to provide pre-licensing services.

(30) "School-age child" means a child 5 years of age or older who is enrolled in a public or private school.

**45.03(31)**

**(31)** "Sleeping bag" means a padded fabric bag that is closed or capable of being closed on 3 sides.

**(32)** "Substitute" means a provider who replaces another provider on a pre-arranged basis.

**(33)** "Sudden infant death syndrome" or "SIDS" means the sudden death of an infant under one year of age that remains unexplained after a thorough case investigation, including performance of a complete autopsy, examination of the death scene and a review of the clinical history.

**(34)** "Supervision" means guidance of the behavior and activities of children while awake and asleep for their health, safety and well-being by a provider who is within sight or sound of the children except as specified in s. HFS 45.07(7)(e) and HFS 45.05(3)(j).

**(35)** "Toddler" means a child at least one year of age but less than 2 years of age.

**(36)** "Universal precautions" means measures taken to prevent transmission of infection from contact with blood or other potentially infectious material, as recommended by the U.S. public health service's centers for disease control and adopted by the U.S. occupational safety and health administration (OSHA) as 29 CFR 1910.1030.

**Note:** "Standard precautions" for infection control measures incorporate universal precautions. Information on the OSHA requirements related to standard or universal precautions is available on the OSHA web site at <http://www.osha.gov>. Information is also available from the Child Care Information Center, 1-800-362-7353.

**(37)** "Volunteer" means a person who agrees to give time, without compensation, to transport children attending a family child care center or to work with children in a family child care center.

**(38)** "Wading pool" means a shallow pool, with sides of 15 inches or less in height, capable of being dumped to change water and used primarily for small children.